

CHAPTER 95: ANIMALS

Section

Animal Control

- 95.01 Definitions
- 95.02 Enforcement; responsibility
- 95.03 Animals running at large
- 95.04 Rabies transmission
- 95.05 Confinement upon suspicion of rabies; method of handling
- 95.06 Nuisance
- 95.07 Keeping certain animals and fowl
- 95.08 Wild animals prohibited
- 95.09 Impounding procedure; fees
- 95.10 Adoption procedure
- 95.11 Sanitary conditions required
- 95.12 Animal waste removal
- 95.13 Horses on sidewalks

Hunting, Molesting and the Like

- 95.25 Bird sanctuary
- 95.26 Prohibited activity

Dangerous Dogs

- 95.40 Dangerous dogs

ANIMAL CONTROL

§ 95.01 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any living creature, including, but not limited to dogs, caws, horses, birds, fish, mammals, reptiles, insects, fowls and livestock, but does not include humans beings.

COMMERCIAL STABLE. A facility where a fee is charged to house, pasture or rent horses or other livestock.

LARGE LIVESTOCK. Horses or any member of the domesticated horse family, including but not limited to mules, donkeys and ponies; and all varieties of cattle.

LOCAL RABIES CONTROL OFFICER or POUNDMASTER. Any person designated to enforce the provisions of this chapter.

NUISANCE. Any object, place or condition which constitutes a possible or probable medium of transmission of disease to or between human beings or any other object, place or condition which may be specifically declared by law to be a nuisance.

OWNER. Any person, firm or corporation having title to any animal or a person, firm or corporation who has, harbors or keeps or who causes or permits to be harbored or kept, an animal in his or her care or who permits an animal to remain on or about his or her premises.

RUNNING AT LARGE.

(a) Not completely confined by a building, wall, fence or other enclosure of sufficient strength, or construction to restrain the animal confined thereby, to the premises of the owner. An electronic or invisible fence shall not be considered a fence or other enclosure of sufficient strength or construction to restrain the animal confined thereby in compliance with this section.

(b) Not completely restrained by a leash or chain sufficiently strong to prevent the animal from escaping and which restricts the animal to the owner's premises in such a manner that it shall not have access to within ten feet of any sidewalk or entry to the home or any mail box at the home.

(c) Not completely restrained by a leash or within an automobile when away from the premises of the owner.

SANITARY. Any condition of good order and cleanliness which precludes the probability of disease transmission.

SMALL LIVESTOCK. All types of domesticated swine, sheep and goats.

WILD ANIMAL. Includes, but is not be limited to any poisonous or dangerous reptile or any other animal which is normally to be found in the wild state and is normally incapable of being domesticated, and including, but not limited to skunks, foxes, leopards, panthers, tigers, lions, lynx unless certified for medical, biological, herpetological or other scientific research or study.

(B) Unless otherwise indicated, the terms employed in this chapter are to be construed to mean the same thing as contained in the definition thereof in Webster's Dictionary.
(Ord. 102-15, passed 12-16-14)

§ 95.02 ENFORCEMENT; RESPONSIBILITY.

The City Council hereby designates the Director of Public Works for the City of Sweeny as the Local Rabies Control Authority who shall be responsible for the enforcement of this chapter and for the impounding of animals and fowl, the adoption thereof or destruction thereof, and for such other duties required to enforce this chapter.

(Ord. 102-15, passed 12-16-14)

§ 95.03 ANIMALS RUNNING AT LARGE.

(A) It shall be unlawful for any owner of livestock to allow the livestock to run at large. Livestock shall be maintained within a fenced area no less than 100 feet from any dwelling which is not owned by the person, firm or corporation owning the livestock. Any livestock which is found to be roaming outside of this restricted area is to be considered running at large.

(B) It shall be unlawful for any person owning, keeping or having in his or her possession or control any dog to allow the dog to run at large as that term is defined in this chapter within the corporate limits of the city.

(C) Should any owner, keeper or person in possession or control of the dog permit any dog to run at large as that term is utilized herein, on the first occasion the person permitting a dog to run at large shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be fined in any sum of not less than \$1 and not more than \$100. Should any person permit a dog to run at large on two or more occasions, the person shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be fined in any sum of not less than \$1 nor more than \$200.

(D) It shall be unlawful for any owner of any goose, turkey, duck, chicken or other domesticated fowl to permit such fowl to run at large, provided however, ducks and geese and other such fowl shall not be considered at large if they are located in the area of the "Duck Pond" limited to the area of Elm Street and Sixth Street. Beside those fowls located at the "Duck Pond" area, any other such fowl which is found running at large within the corporate limits of the city shall be impounded by the animal control officer and shall not be released until the fees and charges established herein have been fully paid.

(Ord. 102-15, passed 12-16-14) Penalty, see § 10.99

§ 95.04 RABIES TRANSMISSION.

It shall be unlawful for any owner of any dog, cat or other domesticated animal to keep and maintain the animal within the corporate city limits. Dogs or cats which are under four months of age are exempted from the provisions hereof until they attain the age of four months.

(Ord. 102-15, passed 12-16-14) Penalty, see § 10.99

§ 95.05 CONFINEMENT UPON SUSPICION OF RABIES; METHOD OF HANDLING.

(A) Should any person be bitten, scratched or exposed to the rabies virus by any animal and a complaint thereof be made, the person (owner) responsible for the animal shall be notified to keep the animal confined and under observation of a licensed veterinarian or the local rabies control authority for not less than ten days after the person was bitten and to release the animal only on written permission of the local rabies control authority or his or her designated representative.

(B) Upon failure to surrender the animal for quarantine will result in daily citations to the animal owner. Owner will be responsible for any and all fees.

(C) Any person having the control or possession of or responsibility for any quarantined animal shall immediately notify the local rabies control authority, animal control officer or police department of the city, if the animal escapes or becomes or appears to become sick or dies and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the local animal control authority or animal control officer for diagnostic purposes.
(Ord. 102-15, passed 12-16-14)

§ 95.06 NUISANCE.

(A) No owner or any animal shall keep an animal within the corporate city limits under conditions which create a nuisance, as that term is herein defined.

(B) The following shall be considered as public nuisances and to maintain the nuisance as defined below shall be unlawful:

(1) The keeping of any animal, which, by causing frequent or long continuous barking or other noise shall disturb any person of ordinary sensibilities in the vicinity;

(2) The keeping of any animal in violation of this chapter or in a manner as to endanger the public health;

(3) The keeping of any animal in a manner that animal wastes accumulate causing flies, foul and offensive odors;

(4) The keeping of an animal or animals in a manner that an animal is a hazard to human beings or other animals;

(5) Whenever the animals pens, stables or other enclosures in which the animal is kept or confined becomes offensive to a person or ordinary sensitivities by reason of the conditions of the pens, stables or enclosures; or

(6) The keeping of bees in a manner as to deny the lawful use of properties near the property where the bees are being kept or in a manner as to endanger personal health and welfare.
(Ord. 102-15, passed 12-16-14) Penalty, see § 10.99

§ 95.07 KEEPING CERTAIN ANIMALS AND FOWL.

(A) It shall be unlawful for any owner of any dog, cat or other domesticated animal capable of transmitting rabies to human beings or other animals, to keep, own, possess, harbor or allow said animal to remain on a premises under the owner's control, unless the dog, cat or other domesticated animal, for which a USDA approved vaccine exists, meets the following requirements:

- (1) The dog, cat or other domesticated animal has a current, valid rabies vaccination certificate;
- (2) The dog, cat or other domesticated animal is wearing a collar or other harness;
- (3) A tag showing proof of vaccination is attached to the collar.

(B) It shall be unlawful for any person to own, keep or maintain or to move into or within the corporate city limits any head of livestock, including but not limited to horses, mules, donkeys, cattle, pigs, goats, sheep, rabbits and other domesticated wild animals or any fowl including, but not limited to chickens, ducks, geese and turkeys, except in compliance with the following provisions of this section.

(1) No livestock shall be kept or maintained on any property within the city limits unless they are completely enclosed in a fenced area no less than 100 feet from any dwelling which is not owned by the person, firm or corporation so maintaining the livestock. No chickens or other fowl shall be kept or maintained on property within the city limits unless they are kept in a fully caged area with a minimum of ten square feet per bird, with no more than six chickens or other fowl per single family dwelling, and no less than 100 feet from any dwelling not owned by the person, firm or corporation so maintaining the fowls. The ducks, geese and similar fowl maintained at the "Duck Pond" area located at Elm Street and Sixth Street are an exception to this provision.

(2) Every area of property upon which any livestock or fowl is proposed to be kept or maintained shall have or obtain the following minimum area for each head:

(a) Livestock, except goats, sheep or rabbits: two acres of land not occupied by inhabitable buildings shall be required for the first animal.

(b) For each additional animal: two acres of land not occupied by inhabitable buildings shall be required.

(3) Goats and/or sheep: 2,500 square feet of land not occupied by inhabitable buildings shall be required for each animal.

(4) Fowl, chickens, geese, ducks, turkeys, pheasant, peacock, pigeons, and similar type fowl: 100 square feet of land for each fowl not occupied by inhabitable buildings.

(5) Rabbits and members of the rodent family, parakeet, canary birds, quail, dove and other similar type fowl: may be exempted from the minimum requirements concerning square footage, but may not be kept in a manner as to establish a nuisance, public or private, and may not violate any applicable city nuisance or land use ordinances.

(6) Potbellied pigs shall be allowed within the city if they are less than 100 pounds in weight and are kept on premises that are completely enclosed and solidly walled.

(C) It is declared to be unlawful for any person, firm or corporation to sell, offer for sale, barter or give away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three weeks of age or rabbits under two months old unless the manner or method of display is approved by the local rabies control authority or animal control officer. It is further declared to be unlawful for any owner to permit any known vicious animal owned, controlled or managed by him or her to run at large.

(Ord. 102-15, passed 12-16-14; Am. Ord. 23-110, passed 11-15-23) Penalty, see § 10.99

Cross-reference:

Nuisances, see Chapter 92

Land Usage, see Title XV

§ 95.08 WILD ANIMALS PROHIBITED.

It shall be unlawful for any person, firm or corporation to keep, maintain or harbor any wild animal within the corporate city limits.

(Ord. 102-15, passed 12-16-14) Penalty, see § 10.99

§ 95.09 IMPOUNDING PROCEDURE; FEES.

(A) Any person, firm or corporation, their agents, servants and employees, may confine any animal which is in violation of this chapter in a humane manner until the person, firm or corporation, its agents, servants or employees can notify the local rabies control authority of the city to come and impound the animal. When so notified, it shall be the duty of the animal control officer or local rabies control authority to impound the animal, as herein provided.

(1) The local rabies control authority or animal control officer shall use reasonable effort to contact the owner of the animal which has been impounded. Final responsibility for locating the animal is that of the animal owner.

(2) The owner may resume possession of any impounded animal upon payment of all impoundment fees, handling fees and veterinarian bills, if any, incurred by the animal control officer for the welfare of the animal, and upon compliance with the vaccination provisions of this chapter.

(3) Disposition of animals impounded upon the grounds that the animal has been treated cruelly or inhumanely shall be the decision of a court of competent jurisdiction.

(4) Animals shall be impounded at the city pound if possible and convenient, and if not possible or if inconvenient, at a place as may be determined by the local rabies control authority.

(5) Any animal being held under quarantine or observation for rabies shall be kept under observation and control until the animal has been released from quarantine and all fees and costs have been paid.

(6) Any animal, except vicious or wild animals, not reclaimed by the owner may be humanely euthanized after being impounded for 72 hours.

(7) Any impounded vicious or wild animal unless there is reason to believe that it has an owner may be immediately disposed of as may be deemed appropriate by the local rabies control authority.

(8) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.

(9) Any impounded dog or cat may be given up for adoption after 72 hours, except those under quarantine. If the rightful owner appears for his or her dog within 30 days following the adoption, the owner may redeem the animal by paying the adoptee all documented expenses incurred for the animal.

(10) An owner who no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition, may sign a written waiver supplied by the animal control officer or local rabies control authority allowing the animal to be immediately euthanized in an humane manner, provided however that no warm-blooded animal that has bitten or scratched a human being shall be euthanized before the expiration of the ten-day quarantine period.

(11) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a non-profit humane organization for the purpose of veterinary medical care, as determined by the local rabies control authority.

(B) (1) The impounding fees for dogs shall be the sum of \$15, plus \$5 per day for each day of impoundment. The sums shall be paid to the City Treasurer and shall be placed in the General Fund of the city.

(2) The impounding fee for cats shall be the same as that for dogs.

(3) The impounding fee for small livestock (domesticated swine, sheep and goats) shall be \$15, plus \$5 per day for each day of impoundment.

(4) The impounding fee for large livestock shall be the sum of \$20, plus the sum of \$7 per day for each day of impoundment.

(5) Other small animals shall have an impoundment fee of \$15, plus a daily impoundment charge of \$5.

(6) Any person adopting any animal under the provisions of this chapter shall pay all impounding fees, plus \$10.

(7) A fee of \$40 per animal shall be assessed to any person who surrenders an animal to the city.
(Ord. 102-15, passed 12-16-14)

§ 95.10 ADOPTION PROCEDURE.

Any individual may adopt a dog or cat from the city animal shelter or any other animal which does not have rabies and is not under quarantine upon the following conditions;

(A) The animal has been classified as adoptable by the local rabies control authority;

(B) The prospective person seeking to adopt the animal has proper and adequate facilities to care for the animal;

(C) The prospective person seeking to adopt the animal prior to the animal being released for adoption causes all necessary vaccinations to be obtained;

(D) The prospective person seeking to adopt pays the adoption fee of \$20. Upon payment of this adoption fee all impoundment fees owed to the city are waived. It is provided, however, animals less than four months of age shall not be vaccinated for rabies unless the vaccination is recommended by a licensed veterinarian until the animal attains the age of four months; and

(E) The local rabies control authority may refuse to allow any person to adopt an animal whenever he or she has good reason to believe:

(1) The person would not be able to obtain the proper certificate of vaccination under the provisions of this chapter;

(2) The person does not or would not have proper facilities that are adequate for the animal sought to be adopted in relation to the care of the particular animal;

(3) The person is seeking the animal for the purposes of resale or for purposes other than ownership thereof;

(4) The person would not be a responsible owner; or

(5) The particular animal would constitute a hazard to humans or other animals.

(Ord. 102-15, passed 12-16-14; Am. Ord. 101-16, passed 7-19-16)

§ 95.11 SANITARY CONDITIONS REQUIRED.

(A) The owner or person in possession of any animal or animals shall keep yards, pens and enclosures in which animals are confined in a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects, or, in any manner, to endanger the public health or safety or create a public nuisance.

(B) All persons keeping the animals shall comply with the following sanitary regulations.

(1) Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and handled or disposed of in a manner as to keep the premises free of any nuisance.

(2) Mound storage of droppings or manure between the removals shall be permitted only under conditions as to protect against the breeding of flies and to prevent migration of flies (maggots) into surrounding soil.

(3) The feeding of vegetables, meat scraps or garbage shall be done only in impervious containers on an impervious platform.

(4) Watering troughs or tanks shall be provided which shall be equipped with adequate facilities for drainage of the overflow so as to prevent the flies from breeding, mosquitoes from breeding or other insects from breeding.

(5) No putrescible material shall be allowed to accumulate on the premises and all material used to feed which is unconsumed shall be removed and disposed of by burial or other sanitary means.

(6) The distances and square footage required by other provisions of this chapter shall be maintained.

(Ord. 102-15, passed 12-16-14) Penalty, see § 10.99

§ 95.12 ANIMAL WASTE REMOVAL.

(A) It shall be unlawful for any person not to immediately remove and dispose of, in a sanitary manner, feces left by a dog being handled by that person on property, public or private, other than the premises of the owner or handler of such dog.

(B) It shall be unlawful for any person to walk a dog on public property or the private property of someone other than the owner or handler of such dog without having in their possession a container or other instrument suitable for the removal and disposal of the dog's feces in a sanitary manner.

(C) This section shall not, however, apply to handicapped persons using guide dogs or to peace officers while using animals in the discharge of emergency law enforcement activities.
(Ord. 102-15, passed 12-16-14)

§ 95.13 HORSES ON SIDEWALKS.

It shall be unlawful for any person to ride or lead any livestock, including any horse, on any sidewalk within the city.
(Ord. 100-16, passed 10-20-15)

HUNTING, MOLESTING AND THE LIKE

§ 95.25 BIRD SANCTUARY.

The City Council hereby declare that the all the land and airway area embraced within the city limits is hereby declared to be and shall hereafter be a bird sanctuary.
(Ord. 102-15, passed 12-16-14)

§ 95.26 PROHIBITED ACTIVITY.

Subject to the exceptions contained in Tex. Parks & Wildlife Code, Ch. 64, it shall be unlawful to trap, hunt, shoot, molest or attempt to shoot, in any manner whatsoever any bird or wild fowl, or to rob bird nests or wild fowl nests in the city. In the event that sparrows, blackbirds, pigeons, crows or similar birds are found congregating in numbers in a particular locality within the city limits, as to constitute a public nuisance or menace to the public health or to private or public property, then in that event or any of them, the congregated birds or wild fowl may be destroyed as is deemed advisable by and under the supervision and control of the Police Department of the city.
(Ord. 102-15, passed 12-16-14) Penalty, see § 10.99

DANGEROUS DOGS

§ 95.40 DANGEROUS DOGS.

The City Council hereby adopts the provisions of Tex. Health & Safety Code, Ch. 822 as the guidelines to be followed in the City of Sweeny for dealing with dangerous dogs.
(Ord. 102-15, passed 12-16-14)

